

Claim 30

Before addressing other substantive aspects of the Office Action, applicants note that the outstanding objection to dependent claim 30 appears to be in error. Claim 30 depends directly from independent claim 1, which has been allowed. Thus, applicants respectfully submit that the subject matter of dependent claim 30 patentably distinguishes over the art of record for at least the reasons that the subject matter of independent claim 1 is patentable thereover. For the foregoing reason, reconsideration and allowance of dependent claim 30 is respectfully requested.

Claims 25-29

Claims 25-27 and 29 stand rejected in the outstanding Office Action. As noted above, dependent claim 28 is objected to, but indicated to be allowable if rewritten in independent form to incorporate the limitations of the base claim and all intervening claims. Reconsideration is respectfully requested.

More particularly, claims 25-27 and 29 have been rejected under 35 U.S.C. § 103(a) based on the teachings of U.S. Patent No. 5,519,210 to Berner (the “Berner ‘210 patent”) in view of U.S. Patent No. 5,760,913 to Falk (the “Falk ‘913 patent”). Applicants note that, in the specific discussion of dependent claim 27 on page 4 of the Office Action, the teachings of U.S. Patent No. 5,118,183 to Cargill et al. are highlighted. Applicants therefore understand claim 27 to be rejected based on the Berner ‘210 and Falk ‘913 patents, further in view of the Cargill ‘183 patent. Applicants respectfully traverse the outstanding art rejections.

As noted previously, applicants’ claimed test originals provide significantly improved functionality in the color management field. The claimed test originals include three distinct code-related recitations:

- a machine-readable code that contains **information about the type of original**, i.e., characteristics of the original to be measured;
- a machine-readable code that contains **information about the production unit in which the original is used**; and
- code for differentiating a front edge from a rear edge of the test original

The claimed test original thus supports enhanced, automated color management. Indeed, applicants’ claimed test originals simplify the handling of test originals and reduce the potential for data entry errors associated with test procedures.

In maintaining an art-based rejection of independent claim 25, the Office Action points to disclosure within the Falk ‘913 patent concerning “registration marks 502” and “an arrangement key” associated with a printed calibration image 500 (see, generally, disclosure at columns 5 & 8, and Fig. 5). In setting forth the perceived significance of the Falk ‘913 patent, the Office Action states as follows:

Falk shows (column 5, lines 30-45, especially lines 38-41) that there is a special key on a test strip that conveys the type of test strip (in this case the ordering of the colors). Falk further shows (column 8, lines 1-14) that there are registration marks to establish the orientation of the strip in the reader (column 8, line 5). See also Figure 5, 502 to note these various registration marks.

Office Action dated February 13, 2003, page 3.

Applicants do not agree with the interpretation of the Falk ‘913 patent advanced in the Office Action as it relates to registration marks 502. Moreover, even assuming the proposed interpretation of the Falk ‘913 patent were correct, the Falk ‘913 patent is devoid of any teaching or suggestion as to “a machine-readable code that contains **information about the production unit in which the original is used**,” and the Office Action does not suggest otherwise. The patentable significance of the deficiencies in the outstanding rejection of claims 25-27 and 29 is set out below.

i. “Front Edge/Rear Edge” Recitation

Contrary to the position advanced in the outstanding Office Action, Falk’s disclosed “registration marks 502” function only to localize the placement of color patches 501 on printed calibration image 500. This functionality is useful, for example, if the calibration image 500 is misplaced on the copier glass during the scanning step 403 (see col. 5, lines 24-28; col. 8, lines 8-10). However, the disclosed “registration marks” neither teach nor suggest the inclusion of “a code for differentiating a front edge from a rear edge of [a] test original,” as recited in applicants’ claim 25. Indeed, Falk’s disclosed registration marks 502 function in an identical manner to provide identical localization functionality, regardless of whether the front edge or the rear edge of a printed calibration image 500 is inserted into a reader. In short, registration marks 502 provide no information relevant to differentiating front and rear edges of Falk’s printed calibration image. Thus, applicants respectfully submit that a combination of the Berner ‘210

patent and the Falk '913 patent fails to teach or suggest applicants' claimed test original based on the "front edge/rear edge" recitations contained therein, and applicants respectfully submit that claim 25 (and the claims dependent therefrom) are patentable thereover based on such important distinction.

ii. "Information About Production Unit" Recitation

In rejecting independent claim 25, the Office Action places reliance on information communicated by a "special key" or "arrangement key" disclosed by the Falk '913 patent at column 5, lines 36-45. The disclosed "arrangement key" is printed on a calibration image 500 and comprises a nine bit code that includes eight data bits and one parity bit. The arrangement key has limited functionality, namely to permit calibration system 200 to compare the random arrangement of the color patches 501 with a correct absolute density (see col. 5, lines 39-47). However, the disclosed "arrangement key" provides no information "about the production unit in which the original is used." Simply stated, neither the Berner '210 patent nor the Falk '913 patent (whether taken alone or in combination) teaches or suggests the desirability of providing a machine readable code that provides information about the production unit in which the test original is used. For this additional and distinct reason, applicants respectfully submit that claim 25 (and the dependent claims dependent therefrom) are patentable over the cited references.

iii. Claim 27

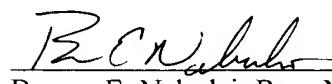
With particular reference to dependent claim 27, applicants respectfully submit that the Cargill '183 patent fails to cure the deficiencies in the Berner '210 and Falk '913 patents discussed above. Thus, applicants submit that claim 27 is patentable over the cited prior art for at least the reasons noted above with respect to claim 25. The fact that the Cargill '183 patent discloses "codification" of some information does not render obvious all forms of "codification," regardless of the benefits and/or advantages associated therewith. Applicants respectfully submit that the art of record fails to render obvious applicants' claimed test strips, which include specific and advantageous codifications which are neither taught nor suggested in the prior art. Applicants respectfully submit that the current obviousness rejections directed to applicants' "test strip" claims are without foundation, and should be withdrawn.

Conclusion

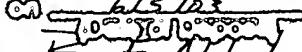
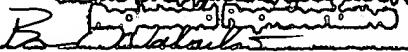
For the foregoing reasons, applicants respectfully submit that all claims are now in condition for allowance. Prompt action leading to an early Notice to that effect is earnestly solicited. If the Examiner believes that a telephonic interview may facilitate resolution of any matter, applicants' representative may be contacted at the number indicated below.

Respectfully submitted,  
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